

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. underneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

DATA PROCESSING SYSTEM AND METHOD FOR FINANCIAL DEBT INSTRUMENTS

the specification of which:

- ☐ is attached hereto
- ☐ was filed in the United States on _____ as Application Serial No. 66 (for declaration not accompanying application)
with amendment(s) filed on _____ (if applicable)
- ☐ was filed as PCT international application Serial No. _____ on _____ and was amended under PCT Article 19 on _____ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119/§172 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. 119/172
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>
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			YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED

POWER OF ATTORNEY: As a named inventor, I hereby appoint S. Leslie Misrock (Reg. No. 18872), Harry C. Jones, III (Reg. No. 20280), Berj A. Terzian (Reg. No. 20060), Gerald J. Flintoft (Reg. No. 20823), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Isaac Jarkovsky (Reg. No. 22713), Joseph V. Colaianni (Reg. No. 20019), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), James N. Palik (Reg. No. 25510), Thomas E. Friebe (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Jon R. Stark (Reg. No. 30111), Allan A. Fanucci (Reg. No. 30256), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), and Albert P. Halluin (Reg. No. 25227), whose address is Pennie & Edmonds, 1155 Avenue of the Americas, New York, New York 10036, and each of them, my attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith.

PENNIE & EDMONDS DOCKET NO. 6925-071

SEND CORRESPONDENCE TO: **PENNIE & EDMONDS**
1155 AVENUE OF THE AMERICAS
NEW YORK, N.Y. 10036-2711

DIRECT TELEPHONE CALLS TO:
PENNIE & EDMONDS
(212) 790-9090

201	FULL NAME OF INVENTOR	LAST NAME TULL, JR.	FIRST NAME ROBERT	MIDDLE NAME STANLEY	
	RESIDENCE & CITIZENSHIP	CITY Levittown	STATE OR FOREIGN COUNTRY Pennsylvania	COUNTRY OF CITIZENSHIP U.S.A.	
	POST OFFICE ADDRESS	STREET 16 Firebush Road	CITY Levittown	STATE OR COUNTRY Pennsylvania	ZIP CODE 19056
202	FULL NAME OF INVENTOR	LAST NAME WEISBERGER	FIRST NAME DAVID	MIDDLE NAME M.	
	RESIDENCE & CITIZENSHIP	CITY London	STATE OR FOREIGN COUNTRY England	COUNTRY OF CITIZENSHIP U.S.A.	
	POST OFFICE ADDRESS	STREET 462 Kings Road	CITY London	STATE OR COUNTRY England	ZIP CODE SW10 0LG
203	FULL NAME OF INVENTOR	LAST NAME FOX	FIRST NAME JOHN	MIDDLE NAME JOHN VINCENT <i>lt.</i>	
	RESIDENCE & CITIZENSHIP	CITY Esher, Surrey	STATE OR FOREIGN COUNTRY England	COUNTRY OF CITIZENSHIP U.S.A.	
	POST OFFICE ADDRESS	STREET 17 Highgarth, Orchard Way	CITY Esher, Surrey	STATE OR COUNTRY England	ZIP CODE KT10 9DY
204	FULL NAME OF INVENTOR	LAST NAME KARSENTY	FIRST NAME MYRIAM	MIDDLE NAME JOELLE	
	RESIDENCE & CITIZENSHIP	CITY New York	STATE OR FOREIGN COUNTRY New York	COUNTRY OF CITIZENSHIP France	
	POST OFFICE ADDRESS	STREET 327 Central Park West, Apt. 17D	CITY New York	STATE OR COUNTRY New York	ZIP CODE 10025
205	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
206	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201 <i>Robert S. Tull Jr.</i>	SIGNATURE OF INVENTOR 202	SIGNATURE OF INVENTOR 203 <i>John V. Fox</i>
DATE <i>Apr. 14 1994</i>	DATE	DATE <i>April 5, 1994</i>
SIGNATURE OF INVENTOR 204 <i>Myriam Karsenty</i>	SIGNATURE OF INVENTOR 205	SIGNATURE OF INVENTOR 206
DATE <i>4/4/94</i>	DATE	DATE

DECLARATION AND POWER OF ATTORNEY

I, a below named inventor, I hereby declare on my behalf and on behalf of the non-signing inventor that:

My residence, post office address and citizenship are as stated below at 201 et seq. underneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

DATA PROCESSING SYSTEM AND METHOD FOR FINANCIAL DEBT INSTRUMENTS

the specification of which:

☐ is attached hereto

☐ was filed in the United States on April 6, 1994 as Application Serial No. 08/223,797 (for declaration not accompanying application)
with amendment(s) filed on _____ (if applicable)

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I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

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APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. 119/172
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			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

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SIGNATURE OF INVENTOR 201	SIGNATURE OF INVENTOR 202	SIGNATURE OF INVENTOR 203
DATE	DATE	DATE
SIGNATURE OF INVENTOR 204	Robert S. Tull for David M. Weisberger	SIGNATURE OF INVENTOR 205
DATE		DATE

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

TULL et al.

:

Serial No.: 08/223,797

:

Group Art Unit:

To be assigned

Filed: April 6, 1994

:

Examiner:

To be assigned

For: DATA PROCESSING SYSTEM AND
METHOD FOR DEBT INSTRUMENTS

:

Atty Docket No.: 6925-071

PETITION UNDER 37 C.F.R. § 1.47(a)

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Attn: Application Processing Division
Special Processing and Correspondence Branch

SIR:

Applicants respectfully request that this application be accepted from the signing inventors on behalf of themselves and on behalf of the joint inventor who refuses to join in the application under 37 C.F.R. § 1.47(a).

Submitted herewith is a Declaration and Power of Attorney from the signing inventors on their own behalf and on behalf of the refusing, non-joining inventor. The last known address of the non-joining inventor along with his citizenship and residence are indicated on the enclosed Declaration.

Proofs of the non-joining inventor's refusal to sign are enclosed as Exhibit A and Exhibit B. Exhibit A is a copy of a letter dated March 30, 1994, from the applicants' attorneys to the non-signing inventor requesting that the

EXPRESS MAIL CERTIFICATION

"Express Mail" label No. TR 389 249 542 US Date of Deposit September 6, 1994
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

MICHAEL VIGUIE

PENY2-289276.1

above-identified application be reviewed and that the Declaration and Power of Attorney attached thereto be signed, and that the enclosed form assigning all rights, title and interest in the application to Morgan Stanley Group Inc. ("Morgan Stanley") be executed and notarized. This letter was sent to the non-signing inventor along with a prepaid return DHL envelope. Also attached to Exhibit A is a second letter from March 31, 1994 to the non-signing inventor which included a corrected Assignment form. No response was received to either of these two letters.

Exhibit B is a declaration of Robert S. Tull, Vice President of Morgan Stanley who in at least three separate phone conversations with the non-signing inventor David Weisberger requested that he review the application and sign the appropriate forms. Mr. Weisberger never returned the signed declaration.

A copy of the Notice to File Missing Parts of Application is enclosed, as requested. It is respectfully submitted that with the enclosed exhibits the present application may be accepted on behalf of the non-signing inventor.

Please charge the required fee for this petition, believed to be \$130 to Pennie & Edmonds Deposit Account No. 16-1150.

Respectfully submitted,

BD Rein

Date September 6, 1994

on enclosed Fee 1150 *A 302561*
Barry D. Rein 22,411
(Reg. No.)

PENNIE & EDMONDS
1155 Avenue of the Americas
New York, N.Y. 10036
(212) 790-9090

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	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
2 0 6	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
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DATE	DATE	DATE
SIGNATURE OF INVENTOR 204	Robert S. Tull for David M. Weisberger	SIGNATURE OF INVENTOR 205
DATE		DATE

PENNIE & EDMONDS

1155 AVENUE OF THE AMERICAS

NEW YORK, NY 10036-2711

(212) 790-9090

FACSIMILE: (212) 69-8864 / 9741

TELEX (WUK 6414) PENNIE

MCI MAIL # 841-0768

CABLE PENANGOLD

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WASHINGTON, DC 20006-4706

(202) 993-0177

2700 SAND HILL RD.

MENLO PARK, CA 94025

(415) 854-0660

JOHN C. PENNIE

(1858-1921)

DEAN S. EDMONDS

(1679-1978)

PETER D. VOGL
MARK A. FARLEY
THOMAS A. CAROVA
JOHN J. FORCILE
STEVEN L. WALLACE
CATHERINE E. STOCKELL
JAMES G. MARKEY
WALTER E. STALKER
PAUL J. BROOKER
EDMOND E. BANNON
BRUCE J. BARKER
JONATHAN E. MOSKIN
ELLEN E. TARKEN
ADRIANE M. ANTIER
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THOMAS D. KOHLER
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LAURA E. SIEGAL
KARLINO ZELANO
MICHAEL LOTVIN
DOMINA L. CANDIDO

SCOTT E. FAMILANT
BRIAN M. ROTHBERT
BRIAN D. SEFF
TODD A. WAGNER
GEORGE C. SUMNERFIELD
DEBORAH J. BARNETT
JOHN G. DE LA ROSA
ROBERT E. BRODER
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RONALD M. DASHAULT
ALICE L. FRADIN
LOUIE E. GENTILE
S. MICHAEL PATTON
WILLIAM J. SIFIO
LAURENCE MANBER
MARCIA E. SUNDERN
JOHN A. FARRISH
CHARLES F. HOYTNO
WARREN E. MEIT
BARRY W. ELLEDGE
DENISE M. SHEA
MICHAEL J. LYONS
MARIA E. PASQUALE
MELISSA L. ROBERTSON
SUSAN C. SEIN
CAROL M. WILHELM
JACQUELINE M. LESSER
SANDRA A. BRESNICK
BERNARD E. CHAO
LOUIS A. PICOONE

*NOT ADMITTED IN NEW YORK

March 30, 1994

6925-071

Mr. David M. Weisberger
462 Kings Road
London, SW10 OLG
ENGLAND

Re: Patent Application for
DATA PROCESSING SYSTEM AND
METHOD FOR FINANCIAL DEBT INSTRUMENTS

Dear David:

Enclosed is a copy of the above-identified patent application. The application includes a specification with claims, a combined Declaration and Power of Attorney form, a set of drawings and a joint Assignment form.

Please read over the application to ensure its accuracy. If any minor errors are discovered, such as typographical errors, please correct them in black ink and at the side of the page in line with each correction, you should sign your initials and the date. If you discover any major errors, please notify me either by telephone or in writing so that I can revise the application accordingly.

In reviewing the claims of the application, please check to see if they cover your invention. In doing this, it may be helpful to ask yourself if anyone could make the product without using all the elements set forth in the five independent claims.

PENNY-257730.1

Exhibit A

Mr. David M. Weisberger
March 30, 1994
Page 2

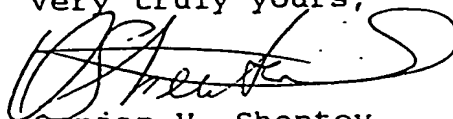
If the application requires no correction or if minor corrections have been made, please execute and date the original Declaration and Power of Attorney forms without detaching them from the application. The Assignment form should also be executed and notarized.

The original of the application including the drawings and the combined Declaration and Power of Attorney and Assignment forms should then be returned to me in the provided DHL envelope.

You will note that the Declaration and Power of Attorney of Attorney form contains an acknowledgement of your duty to disclose to the Patent Office information that you know of which is material to the examination of this application. Information is material where there is a substantial likelihood that a reasonable Patent Office Examiner would consider it important in deciding whether to allow the application to issue as a patent.

As a means of complying with this duty of disclosure, the Patent Office encourages applicants to file a disclosure statement within three months of the filing of the application. In order to comply with the requirement, please inform me of any material information in addition to that you have already sent to us of which you are aware as soon as possible.

Very truly yours,



Ognjan V. Shentov
Law Clerk, Ph.D.

Enclosures

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

TULL et al.

Serial No.: 08/223,797

Filed: April 6, 1994

For: DATA PROCESSING SYSTEM AND
METHOD FOR DEBT INSTRUMENTS

:

: Group Art Unit:

: To be assign d

: Examiner:

: To be assigned

: Atty Docket No.: 6925-071

:

DECLARATION OF ROBERT S. TULL

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231.Attn: Application Processing Division
Special Processing and Correspondence Branch

SIR:

I, Robert S. Tull, hereby declare:

1. I am one of the inventors of the above-identified application.

2. I am Vice President of Morgan Stanley & Co. Incorporated ("Morgan Stanley") the assignee of the above-identified application.

3. Mr. David M. Weisberger, a former employee of Morgan Stanley, is a named inventor in the above-identified application, and has refused to sign and join in the application.

4. From March 28, 1994 to August 30, 1994, after Mr. Weisberger left Morgan Stanley, I personally contacted Mr. Weisberger by telephone on the following occasions to inform him that his review and signature of the above-identified application would be required:

a) On March 28, 1994, prior to the filing date of the application, I spoke to Mr. Weisberger requesting that he review the application and sign the appropriate forms which our attorneys were to send to him by DHL courier. Mr. Weisberger promised to look into the matter but never returned the forms which were mailed to him on March 30, 1994.

b) On April 22, 1994 I contacted Mr. Weisberger again regarding his review and signature, and he promised to "get to it." The executed application was never returned.

Exhibit B

c) On May 9, 1994 I left a message on Mr. Weisberger's answering machine, again requesting that he review the application and sign the appropriate forms so as to complete the filing requirements of the U.S. Patent and Trademark Office for this application. Mr. Weisberger did not return my call.

d) On August 30, 1994, I contacted Mr. Weisberger again regarding his review and signature of the above-identified application. In this conversation Mr. Weisberger informed me that he refuses to sign the application and has no intention to do so.

5. Mr. Weisberger never returned the application or the declaration and assignment forms, signed or unsigned, and has continually refused to do so.

6. I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date May 1, 1994

Robert S. Tull
Robert S. Tull